

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GENUS LIFESCIENCES INC.,

Plaintiff,

v.

LANNETT COMPANY, INC.,

Defendant.

C.A. No. 1:20-cv-00770-LPS

**DECLARATION OF STEVEN L. CAPONI
IN SUPPORT OF GENUS LIFESCIENCES INC.'S MOTION TO DISMISS**

I, Steven L. Caponi, declare as follows:

1. I am a partner at K&L Gates LLP and am counsel for Genus Lifesciences Inc. (“Genus”) in this matter. I submit this declaration in support Genus Lifesciences Inc.’s Motion to Dismiss Counterclaims.

2. I am over the age of 18 and have personal knowledge of the facts in this declaration.

3. Attached hereto as Exhibit A is a true and correct copy of a covenant not to sue in which Genus agrees not to sue Lannett Company Inc. (“Lannett”) for infringement of claims 1–9 and 11–18 of U.S. Patent No. 9,867,815; and claims 2–5 and 12–15 of U.S. Patent No. 10,016,407 arising from Lannett’s cocaine hydrochloride product, Numbrino® as manufactured, marketed, and sold on or before July 24, 2020.

4. Attached hereto as Exhibit B is a true and correct copy of an email chain dated November 11, 2019 to April 2, 2020 between Michael Freno, counsel for Genus, and George Gordon, counsel for Lannett, with page numbers added.

I declare under penalty of perjury under the law of the United States of America that the foregoing is true and correct.

Executed on July 24, 2020, at Wilmington, Delaware.

/s/ *Steven L. Caponi*
Steven L. Caponi (No. 3484)